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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/521,706	01/19/2005	Paulus Cornelis Neervoort	NL 020773	2618
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EXAMINER				
DHILLON, MANJOT K				
ART UNIT		PAPER NUMBER		
3714				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary****Application No.**

10/521,706

**Applicant(s)**

NEERVOORT ET AL.

**Examiner**

MANJOT K. DHILLON

**Art Unit**

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 March 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 January 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
- Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

### ***Drawings***

2. The drawings are objected to under 37 CFR 1.83(a) because they fail to show the invention as described in the specification. The drawings are not descriptive and do not disclose the specifics of the invention. Flow charts with no descriptive detail, even with numbers leading to the specification, do not clearly describe the invention; anything could be associated with the empty boxes. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an

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application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. Claims 1-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gilboa (US 5853327) in view of Johnson et al. (WO 97/13563).

The patent to Gilboa discloses a computerized game board. Concerning claims 1, 7, and 8, Gilboa teaches a method of playing a game by means of a game element, the method comprising the steps of [Fig. 1; column 3, lines 11-19]: placing the game

element on a first location relative to a game board [column 7, lines 54-63]; determining, by the game board, the first location of the game element [column 7, line 54- column 8, line 30; column 9, line 18- column 10, line 16]; determining, by the game board, a first information item representing game content [column 10, lines 12-45], wherein said first information item is dependent on said location and a first game being played [column 7, lines 8- 42; column 10, lines 12-45]. Gilboa teaches a game element for playing a game, said game element comprising: means for transmitting, by at least one transmitter located on the game element, at least one signal identifying said game element [column 9, line 19- column 10, line 45]. Gilboa teaches a game board for playing a game [Abstract], said game board comprising: means for determining a first location of a game element on a playing field of the game board [column 7, line 54- column 8, line 30; column 9, line 18- column 10, line 16], means for determining a first information item representing game content [column 10, lines 12-45], wherein said first information item is dependent on said first location and a first game being played [column 7, lines 8- 42; column 10, lines 12-45]. While Gilboa teaches audio and audiovisual outputs may involve sounds which are characteristic of the position of the figures on the board [column 8, lines 25-30], transferring information to the game element specifically is not disclosed. The patent to Johnson et al. teaches a game board with light directing means. Johnson et al. teaches transferring, by the game board, the first information item to the game element and receiving and presenting said first information item on the game element [page 3, line 10- page 5, line 16; page 7, line 10- page 9, line 7]. Johnson teaches game element comprising means for

receiving and means for presenting a first information item representing game content, wherein said first game information item is dependent on first location of the game element on a playing field of a game board and a first game being played and wherein said first information is received from the game board **[page 3, line 10- page 5, line 16; page 7, line 10- page 9, line 7]**. Johnson et al. teaches a means for transferring the first information item to the game element **[page 3, line 10- page 5, line 16; page 7, line 10- page 9, line 7]**.

Concerning claims 2 and 9, Gilboa teaches the step of determining the first location of the game element comprises the steps of: transmitting, by at least one transmitter located on the game element, at least one signal identifying said game element; receiving, by at least one sensor located on the game board, at least one identifying signal; and determining, by the game board, the first location based on at least one identifying signal **[column 7, line 54- column 8, line 30; column 9, line 18- column 10, line 45]**. Gilboa teaches the means for determining a first location of a game element comprises: means for receiving, from at least one sensor located on the game board, at least one identifying signal; and means for determining the first location based on at least one identifying signal **[column 7, line 54- column 8, line 30; column 9, line 18- column 10, line 45]**.

Concerning claim 3, Gilboa teaches the method further comprises the steps of: removing the game element from the first location; and placing the game element in a second location relative to the game board **[column 9, line 18- column 10, line 45]**.

Concerning claim 4, Gilboa teaches the method further comprises the step of:

receiving a second information item representing a second game being played **[column 7, line 18 - column 8, line 30]**.

Concerning claim 5, Gilboa teaches a computer system for performing the method according to claim 1 **[Abstract]**.

Concerning claim 6, Gilboa teaches a computer program product comprising program code means stored on a computer-readable medium for performing the method of claim 1 when the computer program is run on a computer **[column 7, lines 18-31]**.

Concerning claim 10, Gilboa teaches wherein the first location is on a playing field of the game board **[column 7, line 8- column 8, line 30]**.

Concerning claim 11, Gilboa teaches further comprising means for transmitting a signal that informs the game board that the game element is being used in a game **[column 9, line 18- column 10, line 45]**.

Concerning claim 12, Gilboa teaches means for receiving input that is indicative of a user's desire to play to a second game **[column 7, line 18 - column 8, line 30]**.

Concerning claim 13, Gilboa teaches means for physically connecting the game element to the game board **[column 9, line 18- column 10, line 45]**.

Concerning claim 14, Gilboa teaches wherein the game content reflects a status of the game and the sensed first location of the game element and is to be presented by the game element **[column 7, line 8- column 8, line 30; column 9, line 18- column 10, line 45]**.

Concerning claim 15, Gilboa teaches means for receiving a signal that identifies

the game element, wherein the means for determining the first location of the game element determines the location of the game element based upon the received signal [column 9, line 18- column 10, line 45].

Concerning claim 16, Gilboa teaches wherein the means for determining the first location of the game element determines location coordinates of the game element, wherein the location coordinates are defined relative to a fixed point on the game board [column 7, line 8- column 8, line 30; column 9, line 18- column 10, line 45].

Concerning claim 17, Johnson teaches further comprising means for transmitting a message to the game element indicating that a rule of the game has been broken based upon the first location of the game element [page 3, line 10- page 5, line 16].

It would have been obvious to combine the computerized game board disclosed by Gilboa with the game board with light detecting means as disclosed by Johnson et al. because all the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention.

### ***Response to Arguments***

6. Applicant's arguments with respect to claims 1-17 have been considered but are moot in view of the new ground(s) of rejection.



***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MANJOT K. DHILLON whose telephone number is (571)270-1297. The examiner can normally be reached on Mon. - Thurs., 7 AM - 6 PM, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bob Pezzuto can be reached on (571) 272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Robert E Pezzuto/  
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